FOR MYSORE STATE

Secl.t. II-27—80,000—4-1-52.

Rev (1952) Department.

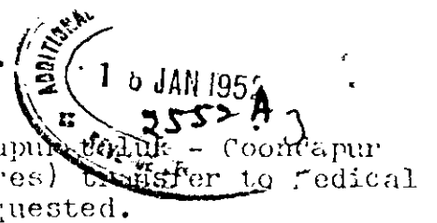
MS SERIES.

G.O. NO. 381

Dated 11.2.1952

[Despatch Abstract.]

Revenue Department.
Subject.



TRANSFER - Land - (South Kanara) Coondapur taluk - Coondapur casba village - S.No.139-5A - (0.04 acres) transfer to Medical Department - proposals - sanction - Requested.

***

Ref.E.33/52.1.

Station: Madras. Dated 10.1.52.

From

Sri A.F. Mascarenhas I.A.S.,
Secretary, Board of Revenue, Madras.

Sri M.R.S. Sattianathan I.C.S., Commissioner of Land Revenue.

Read:- From the Collector of South Kanara, Ref.17351/51.B.3. dated 24.12.51:-

---

Ref:-

Roc.5452/HC/51 dated 17.12.51 from the District Medical Officer, South Kanara.

The District Medical Officer, South Kanara applied for the transfer to this Medical Department of S.No.139/5A.1. measuring 0.04 acre, of Coondapur casba village, for the purpose of providing a Maternity ward for the Government Hospital at Coondapur. S.No.139/5A of Coondapur casba stands registered as poramboke road. The adjoining plots S.Nos.139/2, 4A, 4A3, 4A4, 4B stand registered as for Hospital, where the Government hospital is situated in S.No.139/5A connects the poramboke road in S.No.141/1A and the plot S.No.137/5A (Patta land). The portion proposed for transfer in 139/5A which is 11 links wide and 398 links in length.

The adjoining holder of the plot S.No.137/4 Sri K.V.N. Nambiar objects to this transfer of the whole plot. His object is that the patients who go to him for medical treatment in vehicles have to use this lane i.e. 139/5A and that this transfe of the plot 139/5A1 will result in creating hardship and inconvenience to them and particularly to those who come by carts and other vehicles.

The width of the pathway 139/5A is 20 links. The width of the plot 139/5A1 proposed for transfer is 11 links. A width of 15 links is considered more than enough for the purposes of this path which leads to the only house of this objection petitioner which is situated in S.No.137/4. The Executive Engineer who was consulted in this matter states that the width of 15 links is enough for the pathway and that 139/5A.1 measuring 11 links x 398 links is absolutely necessary for the purpose of extending the hospital buildings. Moreover there are 2 other pathways S.No.139/5E (Poramboke maidan) and S.No.139/5F (poramboke road) which are very broad, and which the objection petitioner can very well make use of for his purposes. The objections of the petitioner Sri K.V.N. Nambiar may therefore be over ruled, and the plot S.No.139/5A measuring 0.04 acre may be transferred to the Medical Department for the purpose of constructing a maternity ward for the Government Hospital at Coondapur.

4. The following enclosures are submitted for reference and return.

Encls
1. Eye-sketch in duplicate.
2. S.D. records in duplicate.
3. Adangal extracts in duplicate.
4. Objection petitiondated 24.7.51 of Sri K.V.N. Nambiar.

Reference:-

Submitted to the Government.

2. In the circumstances reported by the Collector, the Board requests that the Government may be pleased to sanction the transfer of S.No.139/5A. of Coondapur to the Medical Department.

For Secretary.

To the Secretary to Government, Revenue Department, with enclosures.

ADM.10,1.

Ms 2552 A/52

3/

Read:- from the Bd of Rev (Ad), Ref F. 33/52-1 dt 10.1.52

G.O. Ms. 381 dt 11-2-52

Sanction is accorded for the transfer of land ~~in S.No. 139/5A1~~ (land in S No 139/5A1 in measuring 4 cents of Coondapur Kasha village, Coondapur Taluk, South Canara dt, to the Health Dept for the purpose of providing a Paternity Ward for the Govt Hospital at Coondapur.

25/1/52

To
The Bd of Rev (Ad)
.. Collr of S. Canara (with records) 22/1/52
.. Health Dept.

Note:- Health a/c for acceptance.

22/1/52 25/1/52

Rev

Health (A) Dept

Ms 2552 A/52
25-1-52

ASSISTANT SECRETARY 3579 29 JAN 1952 HEALTH DEPARTMENT

May be perused and the file returned to Rev Dept. u.o.

28/1/52 VR 1-2-52 2/2/52

Rev

Health Dept
3579 A/52 VA
2252

4 FEB 1952 6076.A ADDITIONAL REVENUE

Rev Dept

Draft order above may issue.

4/2/52 6/2/52

Revenue Department.

Subject.

Transfer - Land - (South Kanara) - Coondapur Taluk - Coondapur village - S.No.139/5A - to Health Department - Sanctioned - Certain modifications - Proposals - Sanctioned.

Station: Madras. . Ref.E.5596/52-2 dated 11-8-52.

From

Sri A.F.Mascarenhas, IAS., Secretary,
Board of Revenue.

Sri W.R.S.Sattianathan, ICS., Commissioner of Land Revenue.

Read:- G.O.Ms.No.381, Rev., dated 11-2-52.
From the Collector, South Kanara, Ref.C.No.14889/52 dated 5-7-52.

REFERENCE:

The Board submits herewith a copy of the South Kanara Collector's letter cited above. In the circumstances reported by the Collector, the Board requests that the Collector's proposal for a tapering at the northern end of the subdivision 139/5-A1 from 345th link connecting S.No.137/4 to the north of the gate-way as shown in the sketch enclosed may be approved.

For Secretary.

To The Secretary to Government, Revenue Dept., with copy of the Collector's letter with its enclosure, and sketch.

k.t.a.11/8.

Copy ofletter Ref.C.No.14889/52-B3 dated 22-7-52 from the Collector, South Kanara.

Sub:- As above.

Ref:- Board's Ref.E.5596/52-1 dated 18-7-52.

A copy of the suit notice is submitted herewith.

Sd. x x
For Collector.

(True copy)

Copy:

To

The Government of the Province of Madras represented by the Collector of South Kanara Mangalore.

From

M.M.Hebbar, B.A., L.L.B., Advocate,
Coondapur, South Kanara.

Sir,

Under instructions from Sri K.V.D.Nambiar son of Chathu Mothu Nair, Ayurvedic Physican Coondapoor in particular and also on behalf of the public of Coondapur in general I am sending you this notice, in respect of the undermentioned matter.

2. The plot S.F.No.139/5A of Coondapur Kasba vil

is a narrow strip of land about 26 links in width and it runs between the Coondapur Government Hospital compound at its north and the Magistrate Court's compound at its south. The said strip of land running from east to west has always been and is used for over 100 years as an immemorial pathway for men, vehicles cattle etc., from the main road abutting it at the west to the lands and houses etc., situated to the east of the said strip. The said user has always been and is as of right. It has been open and uninterrupted and nobody has any right to question the said user or to obstruct the same or diminish the width or usefulness of the said pathway or in any way interfere with the user thereon. A complete and indefesible right by way of easement both prescriptive and of necessity has been established for more than statutory period even against the Government and that right which is vested in the public including my client cannot be divested or cut down in any manner.

3. My client and the public in general have learnt recently that the Government has or proposes to set apart a strip in the said plot of a width of about 11 links in its northern portion in order to add it on to the Government Hospital compound and enclose the same by a wall. If that is so it will be a serious invasion, of the established rights of my client and the public in general. Apart from the obvious deprivation or narrowing down of the abovesaid rights there is also the circumstance to the Hospital contiguous to the strip in question. The proposed stop therefore also will result in special injury annoyance and loss to my client as well as to other members of the public in various other ways.

4. This is therefore to request you before taking any further steps in the direction of assigning the strip to the Hospital to consider the above circumstances and objections about the same. I am also instructed to request you not to proceed in the way of constructing any buildings, wards or enclosing compound walls etc., in the plot in dispute.

5. If the Government does not see its way to accede to the above request and proceeds to construct any buildings or walls etc., my client and the public in general will be constrained to file a suit against the provincial Government for necessary reliefs arising under the circumstances i.e., possession injunctions, damages, etc., as the case may be and the costs of such as action and the costs of this notice Rs.15/- also have to be paid by the Government.

6. In conclusion I have to make it clear that this notice may be treated as a notice to Government under section 80 of the Civil Procedure Code 1908. Copy retained.

(True copy)

For Secretary.

k.t.a.11/8. 11/8

Rev. Dept

Memo. No. 5-7854 D/52-1 dt 14-8-52.

Transfer - Land - (Salt Kamaal) -
Cuddapah taluk and village - S.No.
139/5A - to Health Dept. - sanctioned
Certain modifications - proposed
by the Board of Rev., Rc. No.
E. 5596/52-2, dt 11.8.1952.

The Board of Rev. is requested
to send a copy of the Collector's letter
No. C. 14584/52, dt 5.9.1952. quoted in
the Rc. cited as it was not received
in this Dept.

To The Board of Rev (Lr).

B6846

OFFICE OF THE BOARD OF REVENUE
20 AUG 1952
MADRAS

SECY.
19 AUG 1952

Revenue Department

Memorandum No.57834 A/52-1 dated 14.8.1952.

Transfer - Land - (South Kanara) - Coondapur taluk and village - S.No.139/5A - to Health Department - sanctioned. certain modification - proposal.

From the Board of Revenue Ref.No.E.5596/52-2 dated 11.8.1952.

The Board of Revenue is requested to send a copy of the Collectors letter No.C.14889/52, dated 5th July 1952, quoted in its reference cited as it has not been received in this Department.

P.Arumuga Mudaliar,
Asst.Secretary to Government.

To the Board of Revenue (L.R.)

18/8/52

Forwarded/By Order

Superintendent. 18/8/52

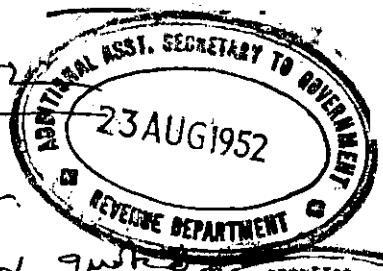
tn./14.8.

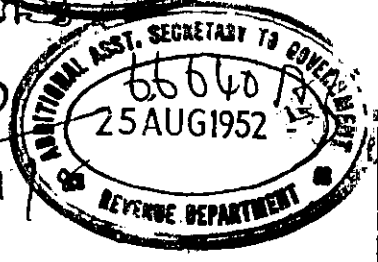
P.T.O

69

A (Estt)

N. Dis. E. 6846/52 21.8.52





Reminder sent to the Govt.
with a copy of the Govt's letter quoted

A. Sundaram
21/8
Asst. Secretary
Bd of Rev (Estt)

GS
21.8.52
21/8/52

To

The Secy. to Govt
Rev. Dept.
with copy of Govt's letter.

Extract sent to the Govt

Ref.C.No.14039/52 B5608 S.Kanara Collector's Office
Mangalore dated 5---7--1952.

From
Sri A.R.Rajaratnam, .A.,
Collector of South Kanara.

To
The Secretary to the Board of Revenue
Land Revenue, Chepauk, Madras-5.

(In duplicate)

B6033

Sir,

Land - (South Kanara) - Coondapur Taluk -- Coondapur Village -- S.No.139/5A -- Transfer to Health Department -- Further report.

Ref:-1. Board's C.33/52
2. G.O.Ms.No.391 dated 11.2.52.

In G.O.Ms.No.391 dated 11.2.52 the Government have accorded sanction for the transfer of land measuring 1.04 cents in S.No 139/A in Coondapur Kasba village to the Health Department for the purpose of providing a Maternity Ward for the Government Hospital at Coondapur.

It is reported by me already in my Ref.17251/51/B3 dated 24-12-51 Sri K.V.K.Nambiar who owns S.No.137/4 objected to the transfer of the whole plot S.No.139/5A1 (Portion now transferred to the Health Department) on the ground that the patients who go for medical treatment in vehicles have to use only this lane in S.No.139/5A for coming from the main road to his house and that the transfer of the portion of the land to the Health Department will result in hardship and inconvenience to these patients.

Later on I received a suit notice filed on behalf of Sri K.V.K.Nambiar against the transfer of the plot denoted as 139/5A1 to the Health Department. A copy of the suit notice is enclosed. On further enquiry held in the matter by the Revenue Divisional Officer Coondapur it was noticed that the gateway of Sri K.V.K.Nambiar's compound is obstructed completely by allowing the full 11 links width to S.No.139/5A1. This creates real hardships and inconvenience to Sri Nambiar as there was no other way for him than to shift his present gateway altogether towards the south by 11 links which he cannot also do on account of cocanut trees standing in that part of his compound.

I have therefore examined the matter once again and I find that it is necessary that a tapering near the gateway should be given. The northern end of the sub division 139/5A1 may be tapered from 345th link connecting S.No.137/4 to the north of the gateway. If this is done the gateway will not be obstructed and it would need no shifting. Sri K.V.K.Nambiar is agreeable to this proposal. In the south eastern corner of the hospital compound there are the residential quarters for the hospital thoties. So the proposed maternity ward will not extend upto the eastern extremity. At the most it may extend upto 320 links and the remaining site to the east will have to either remain unoccupied or enclosed in the backyard attached to the quarters of the thoties. Thus the portion to the east beyond 345 links may have to be narrowed towards the end in a tapering form. The Executive Engineer South Kanara Division also has agreed to this proposed tapering on the eastern end.

In these circumstances I request that the proposal for a tapering end may be accepted and orders passed accordingly.

A sketch showing the site to be transferred according to my present proposal is enclosed for reference.

Yours faithfully

For Collector.

SV/C-7

THE BOARD OF REVENUE
12 JUL 1952
MADRAS

Rev. Dept.

Memo. No. 57834 A/52-3 dt 29.9.52.

Transfer - land - (South Kanara) - Coondapur taluk and village - S. No. 139/5A - to Health Dept. - Sanctioned - Certain modification proposed.

G.O. Ms. No. 381, Rev., dt 11.2.52.

From the Bd. of Rev., Ref. No. E. 5596/52-2, dt 11.8.1952.

In the circumstances reported, the Govt. accept the Board's recommendation that the northern end of Sub-division 139/5A1 (in Coondapur Hobli & village, S. Kanara Dt.) may be fenced from 345 ft link connecting S. No. 137/4 to the north of the gateway as shown in the sketch enclosed with the Board's office proceedings above.

To the Bd. of Rev. (Land Revenue) & Health Secy.

A H

Please see the Boards letter forwarded in the C.J.

2. In the circumstances reported, the Board recommendation may be accepted. If so, the draft reply submitted is for approval. Health may see before issue. After issue the papers may be stitched with the papers at C.J. / A

Mtn 8/9/52 — 11/9/52 — 12.9.52

9/9/52

W.P. 75342A

Health 9.9.52

Health (H2) Rev W.W. 5934 A/52

ADDITIONAL ASST. SECRETARY TO GOVERNMENT
24SEP1952
REVENUE DEPARTMENT

The draft Om and note of Rev. above may be perused and the file returned to Rev. U.O.

9.9.52 — Mtn 19952 — AV 22952 — Rev

ASSISTANT SECRETARY
18 SEP 1952
43222
HEALTH DEPARTMENT

Health U.O. No. 43222 H/52

22.9.52

B-B

Rev. Dept

To A.S.

Please see the note of the Health Dept. on p. 2 ante. The Dept Hqrs. on p. 1 ante may now issue [After issue, action at 'A' on p. 2 ante will be taken.].

25.9.52

Dy SP